

IN THE CLEVELAND MUNICIPAL COURT
HOUSING DIVISION
CUYAHOGA COUNTY, OHIO

CITY OF CLEVELAND, et al)	CASE NO. 2012 CVH 03744
)	
Plaintiff/Relator)	JUDGE RAYMOND L. PIANKA
)	
v.)	<u>NOTICE OF EMERGENCY</u>
)	<u>DEMOLITION DECLARATION</u>
MACRON INVESTMENT CO., et al)	
)	
Defendants/Respondants.)	

The City of Cleveland ("City") gives notice to this Honorable Court and all parties and former parties to this instant action that, on December 18, 2012, pursuant to Cleve. Cod. Ord. § 3103.09(j), the City of Cleveland Building Department ("Building Department") declared the property located at 2121 Ontario Street, Cleveland, Ohio ("property") an emergency and an immediate danger to human life or health. As such, the City is **immediately** commencing the coordination of demolition and plans to proceed with actual demolition of the property on Friday, December 21, 2012.

Cleve. Cod. Ord. § 3103.09(j) provides:

Cases of Emergency. In cases of emergency that, in the opinion of the Director, involve immediate danger to human life or health, the Director shall promptly cause the building, structure or a portion of those to be made safe or removed. For this purpose he or she may at once enter the structure or land on which it stands, or any abutting land or structure, with assistance and at the cost as he or she deems necessary. He or she may request the Director of Public Safety to enforce the orders he or she gives that are necessary to cause the building, structure or a portion of those to be made safe or removed. The Director of Public Safety has the authority to enforce the orders. He or she may order adjacent structures and premises to be vacated, and protect the public by an appropriate fence or other means as may be necessary, and for this purpose may close a public or private way.

In furtherance of this and based upon the continued deterioration of the property and the owner, Defendant Macron Investment Company's, continued refusal to abate the public

nuisance and hazard to the public, as previously ordered by the Building Department and this court, the City will remove the structure.

A copy of the Emergency Declaration and current exterior and interior photographs of the property, taken November 28, 2012 and December 7, 2012, respectively, are attached to this Notice.

Respectfully submitted,

BARBARA LANGHENRY (0038838)
Interim Director of Law

By:


PATRICIA MCGINTY ASTON (0070689)
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PAston@city.cleveland.oh.us

Attorneys for Plaintiff / Relator
City of Cleveland

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion for Process Server was sent via Ordinary U.S. Mail, fax and/or email to the individuals listed below on the 18th day of December, 2012:

David Eisler
P.O. Box 1721
Medina, Ohio 44258
Phone: 216-241-2106
Email: dceisler@gmail.com
No fax number known

Attorney for Macron Investment Co.
Nora Maloof, Dolores Anter, SAM, INC,
Angela Maloof, William Hycal Maloof,
Joseph Anter, John/Jane Does 1-5

Richard Goddard
Calfee, Halter & Griswold
1405 East Sixth Street
Cleveland, Ohio 44114
Phone: 216-622-8313
Fax: 216-241-0816
Email: rgoddard@calfee.com

Attorney for 2115-2121 Ontario
Building LLC, Louis Frangos,
John/Jane Does 6-10

AND

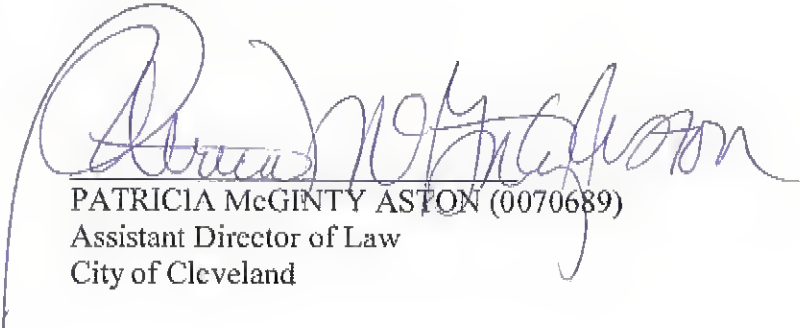
James Kochler / P. Wesley Lambert
Kochler Neal LLC
3330 Erieview Tower
1301 East Ninth Street
Cleveland, Ohio 44114
Phone: 216-539-9370
Fax: 216-916-4369
Email: jkoehler@hochlerneal.com
Email: wlambert@koehlerneal.com

Ordinary US Mail service sent to:
(no known attorney)

Mark Anter, shareholder Macron
200 S Federal Hwy
Boca Raton, FL 33432

Shareholder of Macron

Attorneys for Theresa Julia Kratus



PATRICIA MCGINTY ASTON (0070689)
Assistant Director of Law
City of Cleveland



City of Cleveland Memorandum
Frank G. Jackson, Mayor

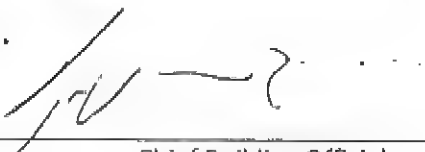
Date 12-18-12

From: Thomas Vanover, Chief Building Official (Acting)
Department of Building and Housing
City of Cleveland

To: Damian Borkowski, Manager Bureau of Demolition
Department of Building and Housing
City of Cleveland

Re: Emergency Demolition

Pursuant to the City of Cleveland Codified Ordinance Section 3103.09(j), I hereby declare that the nuisance structure located at: 2121 Ontario Cleveland OH constitutes an emergency situation which creates a danger to human life and health due to extreme deterioration causing structural failure and order that it be demolished on an emergency basis.



Chief Building Official

12-18-12

Date

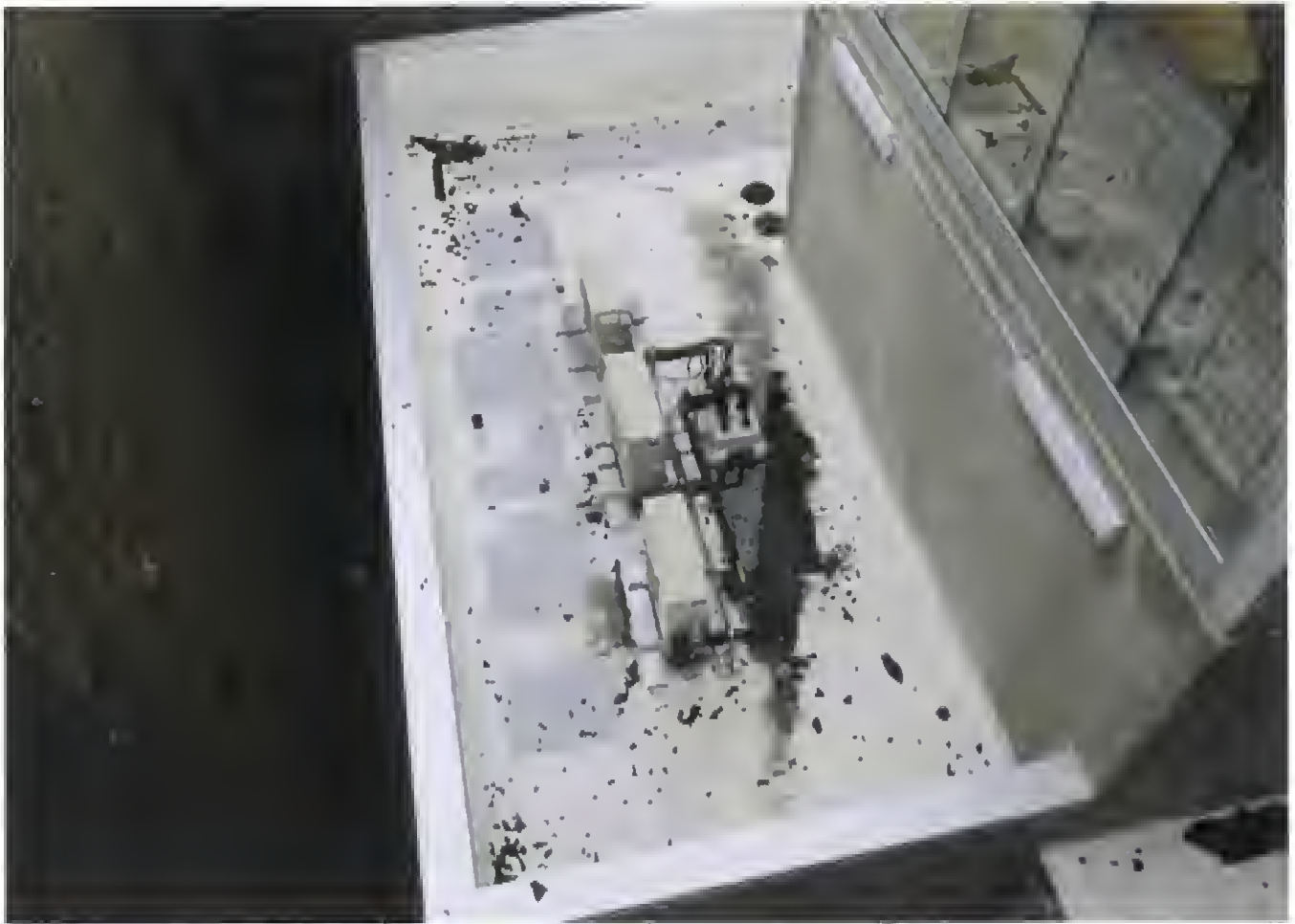
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